

REMARKS

This is in response to the Office Action dated July 27, 2005. Claims 1-6, 8-10, 12-17 and 19-33 are pending.

Claims 10, 21 and 22 in Condition for Allowance – Section 112 Overcome

Claims 8, 10, 21 and 22 stand rejected under 35 U.S.C. Section 112, second paragraph. It is respectfully submitted that the changes to claims 8, 10, 21 and 22 herein address and overcome any potential issue in this regard. Thus, *since no art rejections have been made as to claims 10, 21 and 22, these claims are now in condition for allowance.*

Claims 12-17, 19, 20 and 24

Claims 12-17, 19, 20 and 24 stand rejected under 35 U.S.C. Section 112, first paragraph. The Office Action contends that "where the underlayer does not contact any IR reflecting layer comprising silver in the coating" is new matter and thus not described in the specification as originally filed. This Section 112 rejection is respectfully traversed for at least the following reasons.

Fig. 1 of the instant application illustrates silver IR reflecting layers 9 and 19, and underlayer 23. It is well established that the drawings are part of the specification. Thus, Fig. 1 of the instant application clearly illustrates that underlayer 23 does not contact any of the IR reflecting layers 9 and 19 comprising silver in the coating. See also Table 1 at pages 10-11 of the instant specification. Accordingly, this requirement is not new matter, and is entirely supported by the application as originally filed.

Since no art rejections have been made as to claims 12-17, 19, 20 and 24, these claims are now in condition for allowance.

Claims 23, 26-28, 31 and 32 – Art Rejection

Claims 23, 26-28, 31 and 32 stand rejected under 35 U.S.C. Section 102(e) as being allegedly anticipated by Stachowiak (US 6,830,817). This Section 102(e) rejection is respectfully traversed for at least the following reasons.

Claims 23, 26-28, 31 and 32 all require that the outer layer comprising silicon nitride is the outermost layer of the coating. Fig. 9 of Stachowiak fails to disclose or suggest this. Instead, Fig. 9 of Stachowiak, directed to an anti-reflective coating, requires an SiO₂ layer as the outermost layer of the coating due to its low refractive index value. Thus, Fig. 9 of Stachowiak fails to disclose or suggest a layer comprising silicon nitride as the outermost layer of the coating as required by these claims. Moreover, one of ordinary skill in the art would never have modified Fig. 9 of Stachowiak to delete the outermost SiO₂ layer because this SiO₂ layer is required for anti-reflective purposes (the point/goal of Stachowiak) due to its low refractive index value (the refractive index value of a layer comprising silicon nitride is higher than that of the SiO₂ layer and would not suffice in this respect).

Thus, it is respectfully requested that this rejection be withdrawn.

Claims 1-4, 6, 8, 25-29 and 31-33 – Art Rejection

Claims 1-4, 6, 8, 9, 25-29 and 31-33 stand rejected under Section 102(e) as being allegedly anticipated by Hartig. This Section 102(e) rejection is respectfully traversed for at least the following reasons.

Hartig describes an upper intermediate layer and an overcoating layer of silicon nitride. However, in Hartig the upper intermediate layer is the contact layer that contacts the IR reflecting layer,

In contrast with Hartig, claims 1-4, 6, 8, 9, 25-29 and 31-33 require a contact layer between the overcoat (which includes the underlayer and outer layer) and the IR reflecting layer. For instance, claim 1 as amended requires a contact layer comprising an oxide of Ni and/or an oxide of Cr provided between the IR reflecting layer and the underlayer. For example, Fig. 1 of the instant application illustrates contact layer 21 comprising NiCrOx provided between the IR reflecting layer 19 and the underlayer 23. Hartig fails to disclose or suggest a contact layer between the overcoat (which includes the underlayer and outer layer) and the IR reflecting layer, and is entirely unrelated to these claims in this respect.

Conclusion

It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____

Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100